



Reprinted
February 26, 2003

HOUSE BILL No. 1683

DIGEST OF HB 1683 (Updated February 25, 2003 11:30 AM - DI 107)

Citations Affected: IC 8-9.

Synopsis: Railroad employee counseling and assistance. Deletes Class II railroads from the requirement that a railroad company establish a counseling or trauma program and make certain services available for employees involved in accidents resulting in death or serious bodily injury. Establishes a monetary penalty for the failure to establish a program or make services available. Permits the state revenue motor carrier services division to adopt rules concerning the statute that regulates contract carriers who transport railroad employees. Makes violations of the statute a Class C infraction. Permits a board of public works to issue a written improvement order requiring a railroad to repair or improve space adjacent to the railroad's rails.

Effective: July 1, 2003.

Lawson L, Stilwell, Torr, Becker

January 21, 2003, read first time and referred to Committee on Labor and Employment.
February 6, 2003, amended, reported — Do Pass. Recommitted to Committee on Ways and Means.
February 17, 2003, referral to Committee on Ways and Means withdrawn.
February 25, 2003, read second time, amended, ordered engrossed.

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HB 1683—LS 7274/DI 96+



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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1683

A BILL FOR AN ACT to amend the Indiana Code concerning
utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 8-9-11-4 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 4. The motor carrier services division of the**
- 4 **department of state revenue may adopt rules under IC 4-22-2 to**
- 5 **implement and administer this chapter.**
- 6 SECTION 2. IC 8-9-11-5 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2003]: **Sec. 5. A person who violates this chapter commits a Class**
- 9 **C infraction.**
- 10 SECTION 3. IC 8-9-12-1, AS ADDED BY P.L.21-2001, SECTION
- 11 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 12 2003]: **Sec. 1. This chapter does not apply to a ~~Class H~~ or Class III**
- 13 **railroad as established by the Interstate Commerce Commission.**
- 14 SECTION 4. IC 8-9-12-3, AS ADDED BY P.L.21-2001, SECTION
- 15 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 16 2003]: **Sec. 3. As used in this chapter, "railroad" has the meaning set**
- 17 **forth in IC 8-3-1-2. However, the term does not include a ~~Class H~~ or**

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1 Class III railroad as established by the Interstate Commerce
2 Commission.

3 SECTION 5. IC 8-9-12-5 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2003]: **Sec. 5. (a) A railroad that violates this chapter is liable to**
6 **the state for a penalty of not:**

7 (1) less than one hundred dollars (\$100); or

8 (2) more than five hundred dollars (\$500);

9 for each violation.

10 (b) A suit to recover the penalty set forth in subsection (a) may
11 be brought by the attorney general in the name of the state on
12 relation of the Indiana department of transportation in the circuit
13 or superior court of a county through which the railroad runs or
14 is operated.

15 SECTION 6. IC 8-6-12-3 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2003]: **Sec. 3. Local Condemnation of Neglected Railroad**
18 **Property. The board of public works or board of public works and**
19 **safety of a city or town legislative body may issue a written**
20 **improvement order requiring that any railroad undertake to**
21 **repair or improve that space immediately adjacent to its rails and**
22 **within its rails. The written improvement order shall be given by**
23 **the board or body to the railroad, interurban, or interurban street**
24 **railroad company and must allow the railroad company thirty (30)**
25 **days in which to commence the repairs or improvement. If the**
26 **railroad company fails to complete the work within one hundred**
27 **eighty (180) days, then the board or body may proceed with**
28 **condemnation proceedings for the taking of that property not**
29 **repaired or improved.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1683, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following: A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1683 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1683 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-9-11-4 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 4. The motor carrier services division of the department of state revenue may adopt rules under IC 4-22-2 to implement and administer this chapter.**

SECTION 2. IC 8-9-11-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 5. A person who violates this chapter commits a Class C infraction."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1683 as printed February 7, 2003.)

LAWSON L

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1683 be amended to read as follows:

Page 2, after line 5 , begin a new paragraph and insert:

"Section 1. IC 8-6-12-3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 3. Local Condemnation of Neglected Railroad Property. The board of public works or board of public works and safety of a city or town legislative body may issue a written improvement order requiring that any railroad undertake to repair or improve that space immediately adjacent to its rails and within its rails. The written improvement order shall be given by the board or body to the railroad, interurban, or interurban street railroad company and must allow the railroad company thirty (30) days in which to commence the repairs or improvement. If the railroad company fails to complete the work within one hundred eighty (180) days, then the board or body may proceed with condemnation**



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proceedings for the taking of that property not repaired or improved.

(Reference is to HB 1683 as printed February 18, 2003.)

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